

MINUTES
State Allocation Board
April 25, 2007

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 127 of the State Capitol in Sacramento, California on April 25, 2007 at 4:00 p.m.

Members of the Board present were as follows:

- Anne Sheehan, Chief Deputy Director, Policy, Department of Finance, designated alternate for Michael Genest, Director, Department of Finance
- Rob Cook, Deputy Director, Interagency Support Division, Department of General Services, designated alternate for Will Bush, Interim Director, Department of General Services
- Kathleen Moore, Director, School Facilities Planning Division, California Department of Education (CDE), designated representative for Jack O'Connell, Superintendent of Public Instruction
- Rosario Girard, President and CEO, Phoenix Construction Services, Inc., appointee of Arnold Schwarzenegger, Governor of the State of California
- Senator Bob Margett
- Senator Jack Scott
- Assembly Member Jean Fuller
- Assembly Member Kevin de León

Members of the Board absent were as follows:

- Senator Joe Simitian
- Assembly Member Gene Mullin

Representatives of the State Allocation Board (SAB) were as follows:

Lori L. Morgan, Acting Executive Officer
Mavonne Garrity, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC), were as follows:

Lori L. Morgan, Acting Executive Officer
Kathy Hicks, Chief of Program Services

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Assistant Chief Counsel

With a quorum present, Anne Sheehan, Chair, called the meeting to order at 4:06 p.m.

PRIOR MINUTES

A motion was made and carried to approve the Minutes for the March 28, 2007 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Acting Executive Officer informed the Board that in the SAB Agenda: 1) there was one charter school application for the Aspire Public Schools within the Stockton Unified School District that was converting from a preliminary apportionment to a final apportionment. This represents the second charter school application to convert; however, it was the first one to convert that was funded from Proposition 47 funds. 2) There were two Critically Overcrowded School (COS) applications converting from preliminary apportionments to final apportionments. To date, there have been nine COS projects that have converted to final apportionments, and the staff are processing five projects for conversion for presentation at a future SAB meeting. The Board and audience were reminded of the timelines for school districts submitting applications for conversion to a final apportionment under the Charter School Facilities and COS Programs.

Finally, the Board was notified that the proposed regulations pertaining to accessibility requirements in modernization projects were approved by the Office of Administrative Law (OAL) with an effective date of April 25, 2007.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented. Mr. Mike Barr, representing Aspire Public Schools within the Stockton Unified School District, addressed the Board and thanked the Board and staff for their support.

FINANCIAL REPORTS***Status of Funds***

The Board accepted the Status of Funds report as presented.

Financial Needs of the State Relocatable Classroom Program

This item was withdrawn.

SPECIAL CONSENT ITEMS***Fortuna Union Elementary/Humboldt 51/62802-00-01***

In considering this item, the Board approved the staff's recommendations.

Monterey Peninsula Unified/Monterey 58/66092-00-04

In considering this item, the Board approved the staff's recommendation.

Deferred Maintenance Program Basic Deposits

In considering this item, the Board approved the staff's recommendations.

Deferred Maintenance Program Maximum Deposit

In considering this item, the Board approved the staff's recommendation to accept the report.

SPECIALS/APPEALS***Aspire Public Schools/Alameda 54/61259-13-001***

This item was withdrawn.

REGULATIONS***Proposed Regulations Related to the Transfer of Special Education Programs***

Mr. Tom Duffy, representing the Coalition for Adequate School Housing (CASH), and Ms. Anna Ferrera, representing the County School Facilities Consortium, addressed the Board concerning the issue of special education programs. In considering this item, the Board approved staff's recommendations with Ms. Kathleen Moore abstaining. The Board requested that staff report back six months after the approval of these regulations by the OAL on the level of program and facility transfer activity occurring after January 1, 2007, as a result of these amended regulations.

Amendments to the Charter School Facilities Program Regulations

Ms. Yvonne Chan, Principal of the Vaughn High School Academy, addressed the Board regarding the inequity of the proposed regulations as it relates to the Vaughn High School Academy project. Mr. Colin Miller, Policy Director for the California Charter Schools Association, and Mr. Jim Bushman, a charter school operator, thanked staff for their terrific work on these proposed regulations and addressed the Board in support of all charter schools being treated equally. In considering this item, the Board approved staff's recommendations one through five. The Board did not take any action on staff recommendation six and requested that staff research potential options for the Vaughn High School Academy project.

Final Adoption of Proposed Regulatory Amendments for Repayment Schedules for Amounts Due to the State

In considering this item, the Board approved the staff's recommendations.

REPORTS***High Performance Schools Incentive Grant***

This item was postponed until the May SAB meeting.

Overcrowding Relief Grant

Mr. Stephen English, representing the Advancement Project, addressed the Board and thanked staff for providing the clarification on this issue. In considering this item, the Board accepted the report.

REPORTS (cont.)***Status of Val Verde Unified School District Appeal***

The Board complimented staff on their processing of the District's appeal. Mr. Tom Duffy, representing CASH, addressed the Board concerning the Financial Hardship aspect of the School Facility Program and its imperfections. Mr. Bruce Hancock, representing the District, addressed the Board in support of the District. Several Board members voiced concerns regarding the breach of confidentiality concerning an unauthorized release of a preliminary report to the press. In considering this item, the Board accepted the report. Ms. Kathleen Moore indicated that the CDE would provide input concerning issues of educational adequacies.

INFORMATION/REFERENCE***SAB Meeting Dates for the Calendar Year 2007******School Facility Program Workload List - Applications Received Through April 2, 2007******Facility Hardship/Rehabilitation Approvals Without Funding List as of March 28, 2007*****MISCELLANEOUS**

The Board acknowledged that this SAB meeting would be Mr. Garry Ness' last Board meeting. The Board thanked Mr. Ness for all of his contributions and sound legal advice over the years and wished him much success in his new endeavor.

Ms. Kathleen Moore provided the Board with an update concerning the definition of a complete school. Ms. Moore stated that the CDE has a sampling of about 60 complete schools that meet Title 5 and represent high school, middle school, and elementary school categories. She also stated that the 60 schools represent a very good geographic swath of the State. This report will be presented to the Board at the May 23, 2007 SAB meeting.

CLOSED SESSION

At 5:23 p.m. and in accordance with Section 11126(e)(1), the Board convened into closed session for the purpose of conferring with and receiving advice from counsel regarding *Godinez v. Schwarzenegger, et al.*

Upon conclusion of the closed session, the Board reconvened into open session at 5:37 p.m.

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 5:40 p.m.

LORI L. MORGAN, Acting Executive Officer